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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/307,357	05/07/1999	MICHAEL A. PESHKIN	98.609	4714
7590	08/06/2004		EXAMINER	
			THOMPSON, JEWEL VERGIE	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/307,357	PESHKIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jewel V Thompson	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 and 27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 12-19 is/are allowed.
- 6) Claim(s) 1-6, 11 and 27 is/are rejected.
- 7) Claim(s) 7-10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Withdrawal of Previous Office Action

1. The Office Action of dated 7/29/04 has been withdrawn. The Office Action was mistakenly sent. Correct Office action is enclosed

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al (5,555,004) in view of Liu (JP411259228)

**Regarding claims 1,** Ono et al teaches the aspects of the claimed invention, a force sensor measuring applied forces, comprising: a first member (21); a second member (4A), wherein the first member is positioned nearby to the second member (fig. 5); a flexure (17), the flexure connecting the first member and the second member (fig. 5), wherein the flexure supports the first member with respect to the second member and allows the first member to move relative to the second member substantially along two axes (col. 7, lines 50-59). Ono et al fails to teach a readout mechanism measuring the displacement of the first member relative to the second member substantially along each of the two axes, wherein the applied forces are determined from the displacement

of the first member relative to the second member. Liu teaches optical sensors (42 and 44). It would have been obvious to one skilled in the art at the time that the invention was made to have placed the sensors of Liu in the control device of Ono et al for the purpose of detecting the rotation of the shafts and generate the corresponding signals to ensure that the shaft device is inoperable condition.

**Regarding claim 2,** Ono et al teaches the first member comprises an inner member and the second member comprises an outer member (fig. 5)

**Regarding claim 3,** Ono et al fails to teach the readout mechanism comprises an optical electronic device. Liu teaches the sensors, which detect the rotation of the shafts and generate the corresponding displacement signals is optical (42, 44). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the optical sensors of Liu in the control device of Ono et al for the purpose of detecting the rotation of the shafts and generate the corresponding signals to ensure that the shaft device is inoperable condition.

**Regarding claims 4,** Ono et al fails to teach the readout mechanism comprising an inductive readout device. Liu teaches a joystick with optical sensors, which are inductive (42, 44). It would have been obvious to one skilled in the art at the time that the invention was made to have used the sensors of Liu in the device of Ono et al for the purpose of detecting direction and magnitude of force applied to an arm in order to eliminate an inaccurate measurement caused by the damage of a variable resistance due to frequent use of a joy stick handle (abstract)

**Regarding claims 5 and 6**, Ono et al teach a graspable handle (20), the graspable handle is integrally formed with the first member (21) and (fig. 5)

**Regarding claim 11**, Ono et al teaches the flexure comprises a plastic material (col. 7, lines 23-25)

**Regarding claim 27**, Ono teaches a first member comprising a handle (20)

***Allowable Subject Matter***

3. Claims 7-10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-19 are allowed.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6,11,12 and 27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jewel V Thompson whose telephone number is 571-272-2189. The examiner can normally be reached on 7-4:30, off alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jewel K. Thompson*  
jvt

*[Signature]*  
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